



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

August 18, 2014

Via ECF

Hon. Alison J. Nathan, U.S.D.J.
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2102
New York, New York 10007-1312

Michael T. Mervis
Member of the Firm
d 212.969.3565
f 212.969.2900
mmervis@proskauer.com
www.proskauer.com

Re: *Church & Dwight Co., Inc. v. SPD Swiss Precision Diagnostics GmbH*, No. 14-cv-585

Dear Judge Nathan:

We represent plaintiff Church & Dwight Co., Inc. ("C&D") in the above-referenced action. We write jointly with counsel for defendant SPD Swiss Precision Diagnostics GmbH ("SPD") to memorialize the discovery and briefing schedules discussed at the August 12 scheduling conference. Following the conference, the parties agreed upon a minor change to the deadlines for serving written discovery (specifically, moving up by one week the deadline for serving additional document requests and interrogatories), which is incorporated in the schedule set forth below. The parties have also reached agreement on the technical issues concerning SPD's document production that I referenced during the conference, as well as a deadline for the exchange of privilege logs.

Discovery Schedule:

- Mr. Daly's deposition, which the Court had previously ordered take place on August 15, 2014, is adjourned to September 11, 2014 or such other date as may be agreed to by the parties.
- August 19: Deadline for SPD to produce to C&D native or other color files of the documents it previously produced, other than Excel documents (which have already been produced in native format). To the extent possible, SPD will also produce native files or legible .tiff files for any documents previously identified as not "rendered." SPD estimates that the total number of files not rendered is approximately 200. Of those, it has confirmed that approximately 120 cannot be rendered, for various reasons, including the circumstance that no such file existed.
- August 22: Deadline for C&D to amend its list of requested SPD deposition witnesses. Without waiver of SPD's right to object, C&D may seek to depose other SPD witnesses thereafter if there is good cause.
- August 27: Deadline for parties to exchange privilege logs.



Hon. Alison J. Nathan
August 18, 2014
Page 2

- August 29: Deadline for service of document requests and interrogatories. Without waiver of the responding party's right to object, a propounding party may seek an exception for additional requests and interrogatories thereafter if there is good cause.
- September 5: Deadline for service of requests for admission. Without waiver of the responding party's right to object, a propounding party may seek an exception for additional requests and interrogatories thereafter if there is good cause.
- October 3: Deadline for completion of fact depositions.
- October 3: The parties will submit a joint letter concerning any issues to be addressed at the October 6 status conference.
- October 6: Telephonic status conference at 3 p.m.
- October 10: Initial expert reports due.
- October 24: Rebuttal expert reports due.
- November 14: Deadline for completion of expert discovery.

Briefing Schedule for SPD's Motion Concerning the 'Scope of the Case':

- August 22: SPD's motion papers due.
- September 12: C&D's opposition papers due.
- September 19: SPD's reply papers due.

The parties respectfully request that the Court so-order this schedule.

Respectfully submitted,

/s/ Michael T. Mervis

cc: All Counsel of Record (via ECF)